

REMARKS

In the Office Action¹, the Examiner rejected claims 1, 9-11, and 13-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,865,608 to Hunter ("Hunter") in view of U.S. Patent Publication No. 2003/0039241 to Park et al. ("Park") in further view of U.S. Patent No. 7,362,727 to O'Neill ("O'Neill").

By this amendment, Applicants have amended claims 1, 9, 13, and 15-17. Support for the amendments may be found in the specification at, for example, page 14, lines 1-2. Upon entry of this amendment, claims 1, 9-11, and 13-17 remain pending in this application.

I. Rejection under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1, 9-11, and 13-17 under 35 U.S.C. § 103(a). No *prima facie* case of obviousness has been established.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. MPEP § 2142, 8th Ed., Rev. 7 (July 2008). "A conclusion of obviousness requires that the references(s) relied upon be enabling in that it put the public in possession of the claimed invention." MPEP § 2145. Furthermore, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the

¹ The Office Action contains statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

results would have been predictable to one of ordinary skill in the art” at the time the invention was made. MPEP § 2143.01(III), internal citation omitted. Moreover, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” MPEP § 2141.02(I), internal citations omitted (emphasis in original).

“[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966)... The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” MPEP § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” MPEP § 2141(III). In this application, a *prima facie* case of obviousness has not been established because the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Accordingly, the Office Action has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art.

A. Claim 1

Claim 1, as amended, recites a combination including “wherein ... the first domain number, the second domain number, and the contents classification number are

determined arbitrarily by the user.” The applied references, whether taken alone or in combination, fail to disclose or suggest at least this feature.

Hunter discloses that “the linkage code includes two subcodes: a routing identification code (“RID”) and an item identification code (“IID”).” Hunter, col. 5, lines 8-10. Hunter further discloses that the linkage code can be a UPC barcode, a European EAN code, or a ISBN code for a book. See Hunter, col. 5, lines 2-6. However, none of these codes are “determined arbitrarily by [a] user,” as recited by amended claim 1. Although Hunter discloses that the linkage code can also be of “custom linkage code formats” (emphasis added, Hunter, col. 5, lines 6-7), it is clear that the “customization” of the linkage code is with respect to the standard or non-standard format of the code, not to the content of the code determined by the user. Indeed, Hunter discloses a registration procedure wherein “[a] registration server returns a user identification code [which is a part of the linkage code] to the client, which caches it.” Hunter, col. 5, lines 35-37 (emphasis added). That is, at least a part of the linkage code is generated by a registration server and the user merely receives the code from the server. Although the code can be of a non-standard, customized format (none of the disclosed UPC, EAN, or ISBN formats), the content of the code is not determined by the user himself because he only receives what has already been generated by the registration server.

Park fails to cure the deficiencies of Hunter. Park merely discloses “[a] telephone number DNS client 200 [which] comprises a telephone number input section 201 for receiving a telephone number inputted by a user, a domain name conversion section 202 for converting the inputted telephone number into a domain name, a first storage

section 204 for storing and managing domain name cache information, and an address request section 203 for requesting an IP address corresponding to the formed fully qualified domain name (FQDN) from the telephone number DNS server 210.” Park, paragraph [0034]. Park thus fails to disclose a combination including “wherein ... the first domain number, the second domain number, and the contents classification number are determined arbitrarily by the user,” as recited in amended claim 1.

O'Neill fails to cure the deficiencies of Hunter and Park. O'Neill discloses a method of controlling routing of packets in a connectionless routing protocol network and thus fails to teach or suggest a combination including “wherein ... the first domain number, the second domain number, and the contents classification number are determined arbitrarily by the user,” as recited in amended claim 1.

Accordingly, the elements recited in claim 1 are neither taught nor suggested by the applied references. Nor has the Examiner explained how the teachings of the references could be modified to achieve the claimed combination. Consequently, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in the art in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for claim 1.

For at least the reasons above, amended claim 1 should be allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 1 under 35 U.S.C. § 103(a).

B. Claims 9-11

Although different in scope, independent claim 9 recites elements similar to the elements recited in amended claim 1. Accordingly, the elements that are recited in claim 9 are neither taught nor suggested by the applied references, for at least the reasons presented above with respect to claim 1. Nor has the Examiner explained how the teachings of the references could be modified to achieve the claimed combination. Consequently, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in the art in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for claim 9.

For at least the reasons above, amended claim 9 should be allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 9 under 35 U.S.C. § 103(a).

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir. 1988). Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of dependent claims 10 and 11 under 35 U.S.C. § 103(a).

C. Claims 13 and 14

Although different in scope, independent claim 13 recites elements similar to those recited in amended claim 1. Accordingly, the elements that are recited in claim 13 are neither taught nor suggested by the applied references for at least the reasons presented above with respect to claim 1. Nor has the Examiner explained how the

teachings of the references could be modified to achieve the claimed combination.

Consequently, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in the art in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for claim 13.

For at least the reasons above, amended claim 13 should be allowable.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 13 under 35 U.S.C. § 103(a).

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir. 1988). Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of dependent claim 14 under 35 U.S.C. § 103(a).

D. Claims 15-17

Although different in scope, independent claims 15-17 recite elements similar to those recited in amended claim 1. Accordingly, the elements that are recited in claims 15-17 are neither taught nor suggested by the applied references for at least the reasons presented above with respect to claim 1. Nor has the Examiner explained how the teachings of the references could be modified to achieve the claimed combination. Consequently, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in the art in view of the prior art.

Therefore, a *prima facie* case of obviousness has not been established for claims 15-17.

For at least the reasons above, amended claims 15-17 should be allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 15-17 under 35 U.S.C. § 103(a).

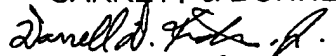
II. Conclusion

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.



Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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